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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,604	10/14/1999	AKIRA ISHINO	8005.166USO	7641

22434 7590 12/10/2002

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EXAMINER

KIM, EUGENE LEE

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 12/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/417,604

Applicant(s)

ISHINO ET AL.

Examiner

Eugene Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-13,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-13,15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

DETAILED ACTION

1. Claims 1, 3-5, 7-13, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al (#6,088,994) in view of Bennett (#6,041,574). Nakagawa et al show a packaging system which transports a bag-making film along a path while forming said film into a tubular form, fills the tubular formed film with articles and seals the film to produce a packaged product. Nakagawa et al show input means that comprise a touch screen adapted to display different images for specifying the size of the bags. Input means 40 may be used to input various action parameters for the operation of the packaging machine. Nakagawa et al disclose memory means 21 wherein data is stored in the computer (col 7 lines 35+). Nakagawa et al show controllers 54, 56, 85 to process the operation. The user specifies/inputs the articles to be packaged which reads on inputting specified ones of packaging conditions. The corresponding data are retrieved from the memory means 21. The operating means calculates control parameters for various elements, such as the seal jaws and belts. Nakagawa et al does not disclose the print data memory and packaging characteristics as claimed. The specification p. 1 discloses that it is known to incorporate a packaging machine and a printer for making packages. Bennett shows forming a film in form fill seal operation wherein printing means are used to print predetermined information on the webs (col 5 lines 15+). Furthermore, Bennett discloses that it is known with respect to the film to print on the film with predetermined information (col 1 lines 35+). Since

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predetermined information is printed on the webs, there inherently must be a print data memory means. Control unit 45 acts as the processing mechanism to print on the webs. Bennett also discloses that the printing operation is operational even if the length of the bag or the feed speed of the film is changed (col 9 lines 7+). This infers that Bennett has control means that have data for different feed speeds and lengths of the web. Otherwise, the apparatus would not be able to accommodate different lengths of webs or feed speeds automatically. Bennett also discloses that it is known to print predetermined information in form-fill-seal operations and a continuous printing type printing on the film while rotating a printing unit of a printing device in synchronism with the running of the film. (col 1 lines 45-48). Since it is known to print while the film is running and the printing unit is rotating, this reads on the claimed language. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Nagakawa with printing and control means as taught by Bennett to print out predetermined information on webs in a continuous manner and adjusting the operation based upon the packaging length or feed speed of the film.

2. Applicant's arguments filed 11/13/2002 have been fully considered but they are not persuasive. In response to applicant's argument regarding secondary reference Bennett, this reference teaches that it is known to either print on a moving web or intermittently print when the film is stopped. Since both of these modes are known, secondary reference, Bennett, is being used to teach the concept of printing on a continuous moving web as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Kim whose telephone number is (703)308-1886. The examiner can normally be reached on Tuesday-Friday 7:30 a.m - 6:00 p.m.

The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3579 for regular communications and (703)305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

A handwritten signature in black ink, appearing to read 'Eugene Kim', with a stylized flourish at the end.

Eugene Kim
December 10, 2002